

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Clean)
Energy Future-Lordstown, LLC for an)
Amendment to its Certificate to Construct) Case No. 16-131-EL-BGA
an Electric Generation Facility, Associated)
Transmission Line, and Five-Breaker Ring)
Bus in Trumbull County, Ohio.)

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board, coming now to consider the above-entitled matter hereby issues an Order granting a Certificate Amendment in accordance with R.C. Chapter 4906.

OPINION:

I. History of the Proceeding

All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

On September 17, 2015, the Board granted the application of Clean Energy Future-Lordstown, LLC (Clean Energy or Applicant) for a certificate to construct, operate, and maintain an 800-megawatt (MW) electric generating facility, associated 345-kilovolt (kV) transmission line, and five-breaker ring bus¹ (Lordstown generation facility project) in Lordstown, Trumbull County, Ohio. *In re Electric Generation Facility in Lordstown, Ohio*, Case No. 14-2322-EL-BGN, (Lordstown Case), Opinion, Order, and Certificate (Sept. 17, 2015).

On January 22, 2016, Clean Energy filed the instant application to address changes associated with the five-breaker ring bus and the electrical interconnection that will connect the Lordstown generating facility to the regional power grid. Specifically, Applicant proposes to adjust the location of Pole #5 and to adjust the layout of the five-breaker ring bus to meet design requirements and minimize the cost of looping the existing 345-kV transmission lines at the request of Ohio Edison Company and American Transmission Systems, Inc. (collectively, FirstEnergy). According to Clean Energy, the adjustment of Pole #5 will result in less line sag and will eliminate the need for a costly new 170-foot steel pole. Further, the Applicant maintains that the adjustment of the five-

¹ A ring bus is a system of circuit breakers used to isolate the generation facility for ease of maintenance, without interruption, and the isolation of a fault on any circuit which improves electric grid reliability.

breaker ring bus will slightly increase the acreage needed for the facility by one acre, however, these minor engineering adjustments will have a capital cost savings of \$4.1 million to the benefit of ratepayers.

In accordance with Ohio Adm.Code 4906-3-11, Clean Energy served copies of the amendment application upon local officials and filed the proofs of publication with the Board on February 1, 2016. Notice of the amendment application was published in the *Tribune Chronicle* on January 28, 2016.

On February 11, 2016, the Board's Staff (Staff) filed a report evaluating the amendment application.

II. Summary of Ohio Revised Code and Ohio Administrative Code

Clean Energy is a corporation and person pursuant to R.C. 4906.01(A) and is certificated to construct, operate, and maintain the Lordstown generation facility project pursuant to R.C. 4906.10, in accordance with the Board's decision in the *Lordstown Case*.

Pursuant to R.C. 4906.10, the Board's authority applies to major utility facilities and requires entities to be certified by the Board prior to commencing construction of a facility. In accordance with R.C. Chapter 4906, the Board promulgated rules, which are set forth in Ohio Adm.Code Chapter 4906-3, prescribing regulations regarding applications for major utility facilities and amendments to certificates.

R.C. 4906.07 requires that, when considering an application for amendment of a certificate, the Board shall hold a hearing "if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application." An applicant is required to provide notice of its application for amendment in accordance with R.C. 4906.06(B) and (C), and Ohio Adm.Code 4906-3-11 and 4906-3-09.

III. Staff Investigation of Proposed Amendment

Staff reports that the proposed amendment to the project area would result in a net increase of 0.4 acres of tree clearing. Specifically, slightly less tree clearing (0.2 acres) would be required based on the rotation of the five-breaker ring bus facility and slightly more tree clearing (0.6 acres) would be required for the ring bus interconnection route. No new wetland fill is proposed, however, the transmission line shift would result in tree clearing within a 0.1 acre wetland. Impacts would be minimized by the storm water pollution prevention plan required by the Applicant's National Pollution and Discharge Elimination System permit. Staff further submits that the adjustment to the location of

Pole #5 and the five-breaker ring bus facility is within the immediate vicinity of the study area that was considered and addressed in the *Lordstown Case*. (Staff Report at 1-2; Application at 4-6.)

Staff concludes that the amendment application meets the necessary criteria for granting an amended certificate pursuant to R.C. 4906.10 provided the Applicant continues to adhere to all of the conditions set forth in the *Lordstown Case* (Staff Report at 2).

IV. Conclusion

Upon a review of the record, the Board finds, pursuant to R.C. 4906.10(A), that the proposed amendment of the Lordstown generation facility project promotes the public convenience and necessity and will not result in any additional significant adverse social or environmental impacts. Furthermore, the amendment does not constitute a substantial change in the location of all or a portion of such facility. Therefore, the Board finds that a hearing is not necessary under the circumstances presented in this case. Accordingly, the Board concludes that, pursuant to R.C. Chapter 4906, Clean Energy's amendment application should be approved and, as a result, Clean Energy's certificate issued in the *Lordstown Case* should be amended to authorize Clean Energy to adjust the facility location and the one pole location conditioned upon compliance with all of the conditions set forth in the Order in the *Lordstown Case*.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) Clean Energy is a corporation and a person under R.C. 4906.01(A).
- (2) The Lordstown generation facility project is a major facility as defined in R.C. 4906.01(B)(1).
- (3) On January 22, 2016, Clean Energy filed an application to amend the certificate issued in the *Lordstown Case*, which involves the construction of a 800-MW electric generating facility, associated 345-kilovolt (kV) transmission line, and five-breaker ring bus in Lordstown, Trumbull County, Ohio.
- (4) The amendment application involves changes associated with the five-breaker ring bus and the electrical interconnection that will connect the Lordstown generating facility to the regional power grid.

- (5) In accordance with R.C. 4906.06 and Ohio Adm.Code 4906-3-11, copies of the amendment application were served upon local government officials.
- (6) On February 11, 2016, Staff filed a report evaluating the amendment application.
- (7) The proposed changes associated with the five-breaker ring bus and the electrical interconnection do not result in any material increase in any social or environmental impact, or a substantial change in the location of the facility; therefore, in accordance with R.C. 4906.07, a hearing is not necessary.
- (8) Based on the record, in accordance with R.C. Chapter 4906, the certificate of environmental compatibility and public need issued in the *Lordstown Case* should be amended to permit the adjustment of the facility location and the one pole location conditioned upon compliance with all of the conditions set forth in the Order in the *Lordstown Case*.

ORDER:

It is, therefore,

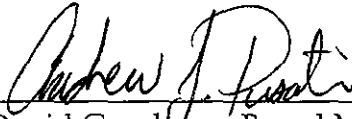
ORDERED, That the application filed by Clean Energy to amend the certificate of environmental compatibility and public need issued in the *Lordstown Case* for the Lordstown generation facility project be granted, as described in this Order and subject to the conditions set forth in the *Lordstown Case* and this Order. It is, further,

ORDERED, That a copy of this Order on Certificate Amendment be served upon all interested persons of record.

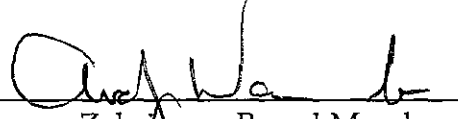
THE OHIO POWER SITING BOARD



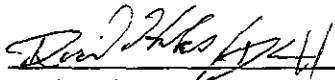
Andre T. Porter, Chairman
Public Utilities Commission of Ohio



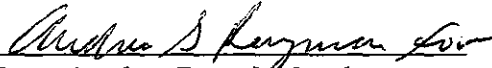
David Goodman, Board Member
and Director of the Ohio
Development Services Agency



James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



Richard Hodges, Board Member
and Director of the Ohio
Department of Health



Craig Butler, Board Member
and Director of the Ohio
Environmental Protection Agency



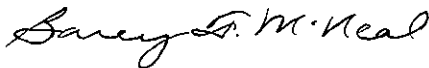
David Daniels, Board Member
and Director of the Ohio
Department of Agriculture

Jeffrey J. Lechak, Board Member
and Public Member

JRJ/vrm

Entered in the Journal

MAR 24 2016



Barcy F. McNeal
Secretary